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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,615	09/29/2003	Ravi Ramanathan	61537B	2556

109 7590 02/16/2006
THE DOW CHEMICAL COMPANY
INTELLECTUAL PROPERTY SECTION
P. O. BOX 1967
MIDLAND, MI 48641-1967

EXAMINER

BRUENJES, CHRISTOPHER P

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/673,615	Applicant(s) RAMANATHAN ET AL.	
	Examiner Christopher P. Bruenjes	Art Unit 1772	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: none.
 Claim(s) objected to: none.
 Claim(s) rejected: 1-15,21,23-30 and 39.
 Claim(s) withdrawn from consideration: none.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
 13. ☐ Other: _____.

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ADVISORY ACTION

Acknowledgement of Applicant's Amendments

1. Applicant's arguments filed February 2, 2006 have been entered and fully considered.

REPEATED REJECTIONS

2. The 35 U.S.C. 103 rejections of claims 1-15, 21, 23-26, 29, and 39 over Wood in view of Zharov are repeated for the reasons set forth in the previous Office Action mailed December 5, 2005, Pages 4-8 Paragraph 7.

3. The 35 U.S.C. 103 rejections of claims 1-15, 21, 23-26, 29, and 39 over Straetz in view of Zharov are repeated for the reasons set forth in the previous Office Action mailed December 5, 2005, Pages 8-13 Paragraph 8.

4. The 35 U.S.C. 103 rejections of claims 27-28 over Wood or Straetz in view of Zharov and Yang are repeated for the reasons set forth in the previous Office Action mailed December 5, 2005, Pages 13-14 Paragraph 9.

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5. The 35 U.S.C. 103 rejection of claim 30 over Wood or Straetz in view of Zharov and Chan is repeated for the reasons set forth in the previous Office Action mailed December 5, 2005, Pages 14-15 Paragraph 10.

ANSWERS TO APPLICANT'S ARGUMENTS

6. Applicant's arguments regarding the 35 U.S.C. 103 rejections of claims 1-15, 21, 23-26, 29, and 39 over Wood or Straetz in view of Zharov have been fully considered but they are not found persuasive.

In response to Applicant's argument that there is not sufficient motivation to combine Wood or Straetz with Zharov, Wood and Straetz specifically teach bonding the tank halves together via adhesive and Zharov specifically teach that the adhesives taught by Zharov are used in place of previously known adhesives when two low surface energy materials such as polyethylene or polypropylene are bonded. Because Zharov also teach that the adhesive of Zharov is used to bond for this particular purpose, it would have been obvious to one having ordinary skill in the art at the time Applicant's invention was made to use that particular adhesive as the adhesive used in Wood or Straetz since those adhesives are required to bond two materials that are each made of polyethylene or polypropylene.

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In response to Applicant's argument that the statement in the final rejection on page 4 is incorrect, high density polyethylene is a low surface energy surfaced material and therefore Wood teaches using adhesive to bond a low surface energy surfaced material. However, the point is taken that once the surface is treated is no longer has a low surface energy. However, because the rejection is a 103 rejection including Zharov the statement is correct insofar as the adhesive used as taught by Zharov does not require a surface treatment and therefore the surface energy remains low when the Zharov adhesive is used.

In response to Applicant's argument that neither Wood nor Straetz teach bonding the fuel components to the fuel tank by adhesive, one of ordinary skill in the art would have recognized that if adhesive is sufficient to combine two halves of a fuel tank together without losing strength or leaking than adhesive would also be sufficient to combine fuel components to the fuel tank.

In response to Applicant's argument that it appears that the final rejection is saying that because adhesives disclosed in Zharov have similar properties to the adhesives claimed as useful in Applicant's invention, it is therefore obvious to combine the teachings of Zharov and Wood, the motivation to

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combine is separate from this argument. The Final rejection is saying that the motivation to combine is the fact that Wood teaches that an adhesive is used to bond the polyethylene or polypropylene tank portions together to form the tank and that Zharov teach that the particular adhesives taught in Zharov are substituted for previously known adhesives for bonding polyethylene or polypropylene portions of a container together because it eliminates the required surface treatment steps of other previously known and used adhesives. The argument then follows that because the adhesive of Zharov is similar or the same as the claimed adhesive the properties of the adhesive as they relate to the formation of the tank of Wood or Straetz would be the same as the claimed properties, since the same material must have the same properties.

7. Applicant's arguments regarding the 35 U.S.C. 103 rejections of claims 27-28 and 30 over Wood or Straetz in view of Zharov and Yang or Chan respectively have been fully considered but they are not found persuasive.

In response to Applicant's argument that these claims are dependent on the claims discussed above and overcome the art for the same reasons, see the answers to the arguments above.

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Conclusion


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Bruenjes whose telephone number is 571-272-1489. The examiner can normally be reached on Monday thru Friday from 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher P Bruenjes
Examiner
Art Unit 1772

CPB
February 13, 2006


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

2/13/06